



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 26, 1996

Ms. Judith A. Hunter
Paralegal
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR96-0249

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38586.

The City of Georgetown (the "city") received a request for "a copy of the officers [sic] report of his arrest on January 10, 1996." The city provided the requestor with "a copy of the front page of the offense report and booking slip." You contend that the remainder of the requested information is excepted from disclosure by section 552.108 of the Government Code, and you have submitted that information to this office for review.

When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of an offense or arrest report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

You have shown that the reports at issue are part of an active investigation. Therefore, pursuant to section 552.108 the city may withhold all information in the reports not generally found on the first page of arrest reports. We note, however, that the city

must release information deemed public by the *Houston Chronicle Publishing Co.* case regardless of its location within an investigation file. The content of information, not its location in a file, determines whether the information is subject to required public disclosure. See Open Records Decision No. 127 (1976) at 5. For example, the enclosed arrest report contains an officer's narrative that begins on the first page of the report form and continues onto the second page of the report form. A detailed description of the offense is public information. *Id.* at 4. Therefore, the officer's narrative must be released even though the entire narrative is not literally located on the front page of the arrest report. We have enclosed a summary of Open Records Decision No. 127 (1976) to assist you in determining which information the city must release to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 38586

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Mr. Reagan Blake Norton
1708 Pheasant Roost
Austin, Texas 78758
(Summary of Open Records Decision No. 127 (1976))

SUMMARY OF OPEN RECORDS DECISION NO. 127 (1976)

I. TYPES OF INFORMATION AVAILABLE TO THE PUBLIC

1. Arrestee's social security number, name, aliases, race, sex, age, occupation, address, police department identification number, and physical condition
2. Offense for which suspect arrested
3. Identification and description of complainant
4. Location of crime
5. Time of occurrence
6. Vehicle involved
7. Property involved
8. Detailed description of offense
9. Names of arresting officers
10. Date and time of arrest
11. Place of arrest
12. Details of arrest
13. Description of weather
14. Booking information
15. Court in which charge is filed
16. Notation of any release or transfer
17. Bonding information
18. Numbers for statistical purposes relating to modus operandi of those apprehended

II. TYPES OF INFORMATION PROTECTED BY SECTION 552.108 DURING PENDENCY OF CRIMINAL INVESTIGATION

1. Identification and description of witnesses
2. Synopsis of confession
3. Officer's speculation as to suspect's guilt
4. Officer's view of witness credibility
5. Statements by informants
6. Ballistics reports
7. Fingerprint comparisons
8. Blood and other lab tests
9. Results of polygraph test
10. Refusal to take polygraph test
11. Paraffin test results
12. Spectrographic or other investigative reports
13. Personal History and Arrest Record, including
 - A. Identifying numbers (such as TDC numbers)
 - B. Physical description with emphasis on scars and tattoos
 - C. Marital status and relatives
 - D. Mugshots, palm prints, fingerprints, and signature
 - E. Chronological history of any arrests and disposition

See Open Records Decision No. 127 (1976).